

1 **“SEC. 3132. ENHANCED COOPERATION BETWEEN NA-**
2 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
3 **TION AND MISSILE DEFENSE AGENCY.”.**

4 (4) The following provisions are each amended by striking
5 “Ballistic Missile Defense Organization” each place it appears
6 and inserting “Missile Defense Agency”:

7 (A) Section 233 of the National Defense Authorization
8 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.
9 223 note).

10 (B) Section 243 of the National Defense Authorization
11 Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C.
12 2431 note).

13 **SEC. 226. ONE-YEAR LIMITATION ON USE OF FUNDS FOR**
14 **NUCLEAR ARMED INTERCEPTORS.**

15 (a) LIMITATION.—None of the funds described in sub-
16 section (b) may be obligated for research, development, test, or
17 evaluation, or for procurement, of a nuclear armed interceptor
18 as a component of a missile defense system.

19 (b) COVERED FUNDS.—Subsection (a) applies to funds
20 made available to the Department of Defense pursuant to an
21 authorization of appropriations in this title or title I or to the
22 Department of Energy pursuant to an authorization of appro-
23 priations in title XXXI.

24 **Subtitle D—Improved Management of**
25 **Department of Defense Test and**
26 **Evaluation Facilities**

27 **SEC. 231. DEPARTMENT OF DEFENSE TEST RESOURCE**
28 **MANAGEMENT CENTER.**

29 (a) ESTABLISHMENT.—(1) Subchapter I of chapter 8 of
30 title 10, United States Code, is amended by adding at the end
31 the following new section:

32 **“§ 196. Department of Defense Test Resource Man-**
33 **agement Center**

34 “(a) ESTABLISHMENT AS DEPARTMENT OF DEFENSE
35 FIELD ACTIVITY.—The Secretary of Defense shall establish
36 within the Department of Defense under section 191 of this
37 title a Department of Defense Test Resource Management Cen-

1 ter (hereinafter in this section referred to as the ‘Center’). The
2 Secretary shall designate the Center as a Department of De-
3 fense Field Activity.

4 “(b) DIRECTOR AND DEPUTY DIRECTOR.—(1) At the
5 head of the Center shall be a Director, selected by the Sec-
6 retary from among commissioned officers of the armed forces
7 on active duty. The Director, while so serving, holds the grade
8 of lieutenant general or, in the case of an officer of the Navy,
9 vice admiral.

10 “(2) There shall be a Deputy Director of the Center, se-
11 lected by the Secretary from among senior civilian officers and
12 employees of the Department of Defense who have substantial
13 experience in the field of test and evaluation. The Deputy Di-
14 rector shall act for, and exercise the powers of, the Director
15 when the Director is disabled or the position of Director is va-
16 cant.

17 “(c) DUTIES OF DIRECTOR.—The Director shall have the
18 following duties:

19 “(1) To review and provide oversight of proposed De-
20 partment of Defense budgets and expenditures for—

21 “(A) the test and evaluation facilities and re-
22 sources of the Major Range and Test Facility Base of
23 the Department of Defense; and

24 “(B) all other test and evaluation facilities and re-
25 sources within and outside of the Department of De-
26 fense.

27 “(2) To complete and maintain the strategic plan re-
28 quired by subsection (d).

29 “(3) To review proposed budgets under subsection (e)
30 and submit reports and certifications required by such sub-
31 section.

32 “(4) To administer the Central Test and Evaluation
33 Investment Program and the program of the Department
34 of Defense for test and evaluation science and technology.

35 “(d) STRATEGIC PLAN FOR DEPARTMENT OF DEFENSE
36 TEST AND EVALUATION RESOURCES.—(1) Not less often than
37 once every two fiscal years, the Director, in coordination with

1 the Director of Operational Test and Evaluation, the Secre-
2 taries of the military departments, and the heads of Defense
3 Agencies with test and evaluation responsibilities, shall com-
4 plete a strategic plan reflecting the needs of the Department
5 of Defense with respect to test and evaluation facilities and re-
6 sources. Each such strategic plan shall cover the period of ten
7 fiscal years beginning with the fiscal year in which the plan is
8 submitted under paragraph (3). The strategic plan shall be
9 based on a comprehensive review of the test and evaluation re-
10 quirements of the Department and the adequacy of the test and
11 evaluation facilities and resources of the Department to meet
12 those requirements.

13 “(2) The strategic plan shall include the following:

14 “(A) An assessment of the test and evaluation require-
15 ments of the Department for the period covered by the
16 plan.

17 “(B) An identification of performance measures asso-
18 ciated with the successful achievement of test and evalua-
19 tion objectives for the period covered by the plan.

20 “(C) An assessment of the test and evaluation facili-
21 ties and resources that will be needed to meet such require-
22 ments and satisfy such performance measures.

23 “(D) An assessment of the current state of the test
24 and evaluation facilities and resources of the Department.

25 “(E) An itemization of acquisitions, upgrades, and im-
26 provements necessary to ensure that the test and evalua-
27 tion facilities and resources of the Department are ade-
28 quate to meet such requirements and satisfy such perform-
29 ance measures.

30 “(F) An assessment of the budgetary resources nec-
31 essary to implement such acquisitions, upgrades, and im-
32 provements.

33 “(3) Upon completing a strategic plan under paragraph
34 (1), the Director shall submit to the Secretary of Defense a re-
35 port on that plan. The report shall include the plan and a de-
36 scription of the review on which the plan is based.

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1 “(4) Not later than 60 days after the date on which the
2 report is submitted under paragraph (3), the Secretary of De-
3 fense shall transmit to the Committee on Armed Services and
4 Committee on Appropriations of the Senate and the Committee
5 on Armed Services and Committee on Appropriations of the
6 House of Representatives the report, together with any com-
7 ments with respect to the report that the Secretary considers
8 appropriate.

9 “(e) CERTIFICATION OF BUDGETS.—(1) The Secretary of
10 Defense, acting through the Under Secretary of Defense
11 (Comptroller), shall require that the Secretary of each military
12 department, the Director of Operational Test and Evaluation,
13 and the head of each Defense Agency with test and evaluation
14 responsibilities transmit such Secretary’s, Director’s, or head’s
15 proposed budget for test and evaluation activities for a fiscal
16 year to the Director of the Center for review under paragraph
17 (2) before submitting such proposed budget to the Under Sec-
18 retary of Defense (Comptroller).

19 “(2)(A) The Director of the Center shall review each pro-
20 posed budget transmitted under paragraph (1) and shall, not
21 later than January 31 of the year preceding the fiscal year for
22 which such budgets are proposed, submit to the Secretary of
23 Defense a report containing the comments of the Director with
24 respect to all such proposed budgets, together with the certifi-
25 cation of the Director as to whether such proposed budgets are
26 adequate.

27 “(B) The Director shall also submit, together with such
28 report and such certification, an additional certification as to
29 whether such proposed budgets provide balanced support for
30 such strategic plan.

31 “(3) The Secretary of Defense shall, not later than March
32 31 of the year preceding the fiscal year for which such budgets
33 are proposed, submit to Congress a report on those proposed
34 budgets which the Director has not certified under paragraph
35 (2)(A) to be adequate. The report shall include the following
36 matters:

1 “(A) A discussion of the actions that the Secretary
2 proposes to take, together with any recommended legisla-
3 tion that the Secretary considers appropriate, to address
4 the inadequacy of the proposed budgets.

5 “(B) Any additional comments that the Secretary con-
6 siders appropriate regarding the inadequacy of the pro-
7 posed budgets.

8 “(f) SUPERVISION OF DIRECTOR BY UNDER SEC-
9 RETARY.—The Director of the Center shall be subject to the
10 supervision of the Under Secretary of Defense for Acquisition,
11 Technology, and Logistics. The Director shall report directly to
12 the Under Secretary, without the interposition of any other su-
13 pervising official.

14 “(g) ADMINISTRATIVE SUPPORT OF CENTER.—The Sec-
15 retary of Defense shall provide the Director with administrative
16 support adequate for carrying out the Director’s responsibilities
17 under this section. The Secretary shall provide the support out
18 of the headquarters activities of the Department or any other
19 activities that the Secretary considers appropriate.

20 “(h) DEFINITION.—In this section, the term ‘Major Range
21 and Test Facility Base’ means the test and evaluation facilities
22 and resources that are designated by the Director of Oper-
23 ational Test and Evaluation as facilities and resources com-
24 prising the Major Range and Test Facility Base.”.

25 (2) The table of sections at the beginning of such sub-
26 chapter is amended by adding at the end the following new
27 item:

 “196. Department of Defense Test Resource Management Center.”.

28 (b) FIRST STRATEGIC PLAN.—The first strategic plan re-
29 quired to be completed under subsection (d)(1) of section 196
30 of title 10, United States Code (as added by subsection (a)),
31 shall be completed not later than six months after the date of
32 the enactment of this Act.

33 (c) ADMINISTRATION OF CTEIP AND DOD T&E S&T
34 PROGRAMS.—The duty of the Director of the Department of
35 Defense Test Resource Management Center to administer the

1 programs specified in subsection (c)(4) of section 196 of title
2 10, United States Code (as added by subsection (a)), shall take
3 effect, and such programs shall be placed under control of such
4 Director, upon the beginning of the first fiscal year that begins
5 after the report on the first strategic plan referred to sub-
6 section (b) is transmitted to the congressional committees re-
7 quired by subsection (d)(4) of such section 196.

8 **SEC. 232. OBJECTIVE FOR INSTITUTIONAL FUNDING OF**
9 **TEST AND EVALUATION FACILITIES.**

10 (a) FUNDING OBJECTIVE.—The Secretary of Defense shall
11 establish the objective of ensuring that, by fiscal year 2006—

12 (1) the institutional and overhead costs of a facility or
13 resource of a military department or Defense Agency that
14 is within the Major Range and Test Facility Base are fully
15 funded through the major test and evaluation investment
16 accounts of the military department or Defense Agency, the
17 account of the Central Test and Evaluation Investment
18 Program of the Department of Defense, and other appro-
19 priate accounts of the military department or Defense
20 Agency; and

21 (2) the charge to an element of the Department of De-
22 fense for a use by that element of such a facility or re-
23 source for testing under a particular program is not more
24 than the amount equal to the direct costs of such use by
25 that element.

26 (b) DEFINITIONS.—In this section:

27 (1) The term “Major Range and Test Facility Base”
28 means the test and evaluation facilities and resources that
29 are designated by the Director of Operational Test and
30 Evaluation as facilities and resources comprising the Major
31 Range and Test Facility Base.

32 (2) The term “institutional and overhead costs”, with
33 respect to a facility or resource within the Major Range
34 Test and Facility Base—

35 (A) means the costs of maintaining, operating, up-
36 grading, and modernizing the facility or resource; and

1 (B) does not include any incremental cost of oper-
2 ating the facility or resource that is attributable to the
3 use of the facility or resource for testing under a par-
4 ticular program.

5 (3) The term “direct costs”, with respect to a facility
6 or resource within the Major Range and Test Facility
7 Base, means those costs that are directly attributable to
8 the use of the facility or resource for testing under a par-
9 ticular program, over and above the institutional and over-
10 head costs with respect to the facility or resource.

11 **SEC. 233. UNIFORM FINANCIAL MANAGEMENT SYSTEM**
12 **FOR DEPARTMENT OF DEFENSE TEST AND**
13 **EVALUATION FACILITIES.**

14 (a) REQUIREMENT FOR SYSTEM.—The Secretary of De-
15 fense shall implement a single financial management and ac-
16 counting system for all test and evaluation facilities of the De-
17 partment of Defense. The Secretary shall implement such sys-
18 tem as soon as practicable, and shall establish the objective
19 that such system be implemented not later than September 30,
20 2006.

21 (b) SYSTEM FEATURES.—The system required by sub-
22 section (a) shall be designed to achieve, at a minimum, the fol-
23 lowing functional objectives:

24 (1) Enable managers within the Department of De-
25 fense to compare the costs of carrying out test and evalua-
26 tion activities in the various facilities of the military de-
27 partments.

28 (2) Enable the Secretary of Defense—

29 (A) to make prudent investment decisions; and

30 (B) to reduce the extent to which unnecessary
31 costs of owning and operating test and evaluation fa-
32 cilities of the Department of Defense are incurred.

33 (3) Enable the Department of Defense to track the
34 total cost of test and evaluation activities.

35 (4) Comply with the financial management architec-
36 ture established by the Secretary.

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1 **SEC. 234. TEST AND EVALUATION WORKFORCE IM-**
2 **PROVEMENTS.**

3 (a) REPORT ON CAPABILITIES.—Not later than March 15,
4 2003, the Under Secretary of Defense for Acquisition, Tech-
5 nology, and Logistics shall submit to Congress a report on the
6 capabilities of the test and evaluation workforce of the Depart-
7 ment of Defense. The Under Secretary shall consult with the
8 Under Secretary of Defense for Personnel and Readiness and
9 the Director of Operational Test and Evaluation in preparing
10 the report.

11 (b) REQUIREMENT FOR PLAN.—(1) The report shall con-
12 tain a plan for taking the actions necessary to ensure that the
13 test and evaluation workforce of the Department of Defense is
14 of sufficient size and has the expertise necessary to timely and
15 accurately identify issues of military suitability and effective-
16 ness of Department of Defense systems through testing of the
17 systems.

18 (2) The plan shall set forth objectives for the size, com-
19 position, and qualifications of the workforce, and shall specify
20 the actions (including recruitment, retention, and training) and
21 milestones for achieving the objectives.

22 (c) ADDITIONAL MATTERS.—The report shall also include
23 the following matters:

24 (1) An assessment of the changing size and demo-
25 graphics of the test and evaluation workforce, including the
26 impact of anticipated retirements among the most experi-
27 enced personnel over the period of five fiscal years begin-
28 ning with fiscal year 2003, together with a discussion of
29 the management actions necessary to address the changes.

30 (2) An assessment of the anticipated workloads and
31 responsibilities of the test and evaluation workforce over
32 the period of ten fiscal years beginning with fiscal year
33 2003, together with the number and qualifications of mili-
34 tary and civilian personnel necessary to carry out such
35 workloads and responsibilities.

36 (3) The Under Secretary's specific plans for using the
37 demonstration authority provided in section 4308 of the

1 National Defense Authorization Act for Fiscal Year 1996
2 (Public Law 104-106; 10 U.S.C. 1701 note) and other spe-
3 cial personnel management authorities of the Under Sec-
4 retary to attract and retain qualified personnel in the test
5 and evaluation workforce.

6 (4) Any recommended legislation or additional special
7 authority that the Under Secretary considers appropriate
8 for facilitating the recruitment and retention of qualified
9 personnel for the test and evaluation workforce.

10 (5) Any other matters that are relevant to the capa-
11 bilities of the test and evaluation workforce.

12 **SEC. 235. COMPLIANCE WITH TESTING REQUIREMENTS.**

13 (a) ANNUAL OT&E REPORT.—Subsection (g) of section
14 139 of title 10, United States Code, is amended by inserting
15 after the fourth sentence the following: “The report for a fiscal
16 year shall also include an assessment of the waivers of and de-
17 viations from requirements in test and evaluation master plans
18 and other testing requirements that occurred during the fiscal
19 year, any concerns raised by the waivers or deviations, and the
20 actions that have been taken or are planned to be taken to ad-
21 dress the concerns.”.

22 (b) REORGANIZATION OF PROVISION.—Subsection (g) of
23 such section, as amended by subsection (a), is further
24 amended—

25 (1) by inserting “(1)” after “(g)”;

26 (2) by designating the second sentence as paragraph
27 (2);

28 (3) by designating the third sentence as paragraph
29 (3);

30 (4) by designating the matter consisting of the fourth
31 and fifth sentences as paragraph (4); and

32 (5) by designating the sixth sentence as paragraph
33 (5).